



Complete Agenda

Democratic Service
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Meeting

STANDARDS COMMITTEE

Date and Time

11.00 am, MONDAY, 9TH JULY, 2018

Location

Ystafell Gwyrfai, Council Offices, Caernarfon, Gwynedd. LL55 1SH

Contact Point

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(DISTRIBUTED 29/06/18)

STANDARDS COMMITTEE

Membership

Elected Members (3)

Councillors

Beth Lawton
Anne Lloyd Jones
Dewi Wyn Roberts

Independent Members (with a vote) (5)

Aled Jones
Margaret E. Jones
David Wareing
Einir Young
[vacant seat]

Community Committee Member (with a vote) (1)

Richard Parry Hughes

A G E N D A

1. APOLOGIES

To receive any apologies for absence.

2. DECLARATION OF PERSONAL INTEREST

To receive any declaration of personal interest.

3. URGENT ITEMS

To note any items that are a matter of urgency in the view of the Chairman for consideration.

4. MINUTES

5 - 7

The Chairman shall propose that the minutes of the previous meeting of this committee held on 12th March, 2018 be signed as a true record (attached).

5. ANNUAL REPORT OF THE STANDARDS COMMITTEE

8 - 24

To consider the report of the Monitoring Officer (attached)

6. SELF ASSESSMENT AND WORK PROGRAMME

25 - 32

To consider the report of the Monitoring Officer (attached)

7. PROTOCOL ON MEMBER OFFICER RELATIONS

33 - 41

To consider the report of the Monitoring Officer (attached).

8. MEMBERS CODE OF CONDUCT GUIDANCE

42 - 46

To consider the report of the Monitoring Officer (attached).

9. ALLEGATIONS AGAINST MEMBERS

47 - 49

To consider the report of the Monitoring Officer (attached)

10. WALES STANDARDS CONFERENCE 2018

50

To consider the report of the Monitoring Officer (attached)

11. NORTH WALES STANDARDS COMMITTEES FORUM

51 - 54

To submit, for information, the minutes of a meeting of the North Wales Standards Committees Forum held on 24th November, 2017 (attached).

STANDARDS COMMITTEE 12/03/18

Present:

Elected Members: Councillors Beth Lawton, Anne Lloyd Jones and Dewi Roberts.

Independent Members: Mr Aled Jones, Miss Margaret Jones (Vice-chair chairing) and Mr David Wareing.

Community Committee Member: Mr Richard Parry Hughes

Also in Attendance: Iwan Evans (Monitoring Officer), Sion Huws (Senior Solicitor) and Eirian Roberts (Member Support Officer).

Reference was made to the ill-health of Dr Einir Young's husband, and it was noted that the members wished to send their regards to both of them.

Councillors Beth Lawton and Anne Lloyd Jones were welcomed to their first meeting of this committee.

Since four elected members and three independent members were present at the beginning of the meeting, Councillor Dewi Roberts agreed to withdraw from the meeting, in order to ensure quorum.

1. APOLOGIES

Apologies were received from Dr Einir Young (Chair) and Ms Jacqueline Hughes.

2. DECLARATION OF PERSONAL INTEREST

No declarations of interest were received from any members present.

3. URGENT ITEMS

No urgent matters were raised.

4. MINUTES

The Chair signed the minutes of the previous meeting of this committee held on 2 October 2017 as a true record.

5. COMMUNITY COUNCILS TRAINING

Submitted – the report of the Monitoring Officer, recommending to submit an alternative system to provide training to town and community councils, which would mean offering to provide a trainer to hold a session on the Code of Conduct in the areas of the councils, rather than centralise sessions at the main centres only.

During the discussion, it was noted:

- That strong encouragement was needed for councils to collaborate with nearby councils on this as it would be impractical for the trainer to visit 64 town and community councils in Gwynedd individually.

- That a regular programme of training sessions could be run, as long as the demand was there, and to tailor sessions as required.
- That a handout could be included in the induction pack provided for new town / community council members to summarise the main points of the Code of Conduct in bullet point form, and provide the Monitoring Officer's contact details.

RESOLVED

- To hold a pilot for a year on the training system of providing a trainer on the Code of Conduct to Town and Community Councils, in accordance with the report, and to report back within 12 months on the findings.**
- To include a concise handout on the Code of Conduct in the induction pack provided for new town / community council members.**

6. ROLES OF THE STANDARDS COMMITTEE

Submitted – the report of the Monitoring Officer giving an overview of the Standards Committee's roles, mainly for the benefit of the new members, but also as a method of reminding everyone of what the committee should do and what could change.

During the discussion, it was noted:

- That declaring an interest was a particular problem in the Care Scrutiny Committee. Most of the committee members had chosen to go on this committee as they were interested in the field of care / health, but as this interest frequently derived from their professional backgrounds, or a member of their family, e.g. directly employed, or working in partnership with the health service, it was often required for them to withdraw from the meetings due to their interest in the matters under consideration.
- That work was underway to prepare a note advising on the number of these situations in order to attempt to identify where the boundaries were, as it became increasingly difficult to operate the Code appropriately whilst safeguarding the democratic process.
- If a member had to declare an interest so often, the question should be asked whether this was the best committee for the member to serve on. On the contrary, there was then a danger of losing real expertise on the committee.
- That dispensation was one way forward, but this was dependent on the grounds. It was suggested that there might be a need to raise the scrutiny members' awareness of the fact that they could submit an application for dispensation.
- That it was important that members read the reports that were put forward to different committees and contacted the Monitoring Officer or Senior Corporate Solicitor beforehand if they suspected that they had an interest in an item on the agenda.
- Although most of the complaints to the Ombudsman were ultimately dropped, awaiting an adjudication could mean a very difficult time for the member the complaint was made against. It was confirmed that the procedure was confidential until a full hearing would be put forward to the Standards Committee or the Adjudication Panel.

In addition to the content of the report, and as the membership of the Standards Committee was now complete, the Monitoring Officer noted his intention to arrange a short training for members of the committee on the hearings procedure.

RESOLVED to note the report.

7. ALLEGATIONS AGAINST MEMBERS

Submitted – the report of the Monitoring Officer noting the Ombudsman's decisions on formal complaints against members.

During the discussion, it was noted:

- That the Ombudsman took a long time to come to a decision on individual cases when carrying out an investigation, and that this caused stress for the person subject to the allegation.
- That people were being disappointed by the Ombudsman's decision not to investigate their complaint.
- That there was also a system of deciding locally on complaints, but this was recognised that this was only for minor complaints.

RESOLVED to note the report.

8. NORTH WALES STANDARDS COMMITTEES FORUM

Submitted, for information – the minutes of the North Wales Standards Committees Forum meeting held on 10 April 2017.

The Monitoring Officer noted that:

- The membership of the forum had now been extended to include the Ceredigion and Powys councils.
- He had volunteered to hold the next meeting of the forum in Gwynedd during May / June.

RESOLVED to note the report.

The meeting commenced at 11.00 am and concluded at 12.10 pm

CHAIRMAN

Agenda Item 5

Committee	Standards Committee
Date :	9 July 2018
Title	The Standards Committee's Annual Report 2017-18
Author	Monitoring Officer
Action :	Suggestions and approval

Background

1. The Standards Committee has decided to publish an annual report and that it should be presented to a meeting of the full Council. This will act as a method of raising the Committee's profile and of promoting its work.
2. I attach, for the Committee's attention a draft of the Annual Report for the period from 1 April 2017 to 31 March 2018.
3. The Committee is asked for its approval of the report and to consider how it should be presented and distributed.

Recommendations

4. To approve the Committee's Annual Report.

**ANNUAL REPORT
OF THE
GWYNEDD COUNCIL
STANDARDS COMMITTEE

2017 - 2018**

FOREWORD BY THE CHAIR

[TO FOLLOW]

Dr Einir Young
Chair of the Standards Committee

FOREWORD BY THE MONITORING OFFICER

[TO FOLLOW]

**Iwan Evans
Monitoring Officer
Gwynedd Council**

INTRODUCTION

The Committee was established in 2001 under the Local Government Act 2000. The main role of the Committee is to promote and maintain high standards of conduct by the councillors and co-opted members of Gwynedd Council, and community and town councils in Gwynedd. It does so in many ways:

- Assisting the councillors and co-opted members to follow the Members' Code of Conduct
- Advising the authority regarding adopting or amending the Members' Code of Conduct
- Monitoring the implementation of the Members' Code of Conduct
- Advising, training or arranging training for councillors and co-opted members on matters relating to the Code of Conduct
- Determining complaints referred to it by the Public Services Ombudsman for Wales that members have breached the Code of Conduct
- Considering applications made by members for dispensations to allow them to participate in discussions despite them having a prejudicial interest under the Code
- Considering complaints referred to it under Gwynedd Council's local resolution procedure.
- Overseeing the Gwynedd Council Members Gifts and Hospitality Policy

COMMITTEE MEMBERS

Though the Standards Committee is one of the committees of Gwynedd Council, the majority of its membership does not have any connection with the Council or local government ('Independent Members'). It also has a member who represents the interests of the community councils ('Community Committee Member'), as well as three elected members from Gwynedd Council. The Chair and Vice-chair of the Committee must be Independent Members.

Independent Members

Margaret E Jones (member since 2012)

Originally from Llandrillo yn Rhos, Margaret has spent most of her life in Chwilog. She taught at Ysgol Abersoch for 32 years, including 14 as headmistress. She is a deacon in Eglwys yr Annibynwyr Siloh, Chwilog, was Chairman of the Council of the Union of Welsh Independents for 3 years and is also a former President of the Union. She was a member of Gwynedd Community Health Council and Vice Chairman until the reorganisation in 2010. She is also Chairman of the Chwilog Eisteddfod.

Dr Einir Young (member since 2012)

Born in the Rhondda and raised in Llanelli and Cwmtwrch Einir has been living in Gwynedd for almost thirty years. She lived in California for a while and has travelled extensively in Africa mainly, working with marginal communities in semi-arid regions. Wales is her current priority but the challenges faced by communities are similar. We need a long term vision and plan, to ensure that the actions we take are for good or prevent things from getting worse. Integration and collaboration is critical and possibly more important of all to involve everyone. These are the principles are encapsulated in the Wellbeing of Future Generations Act and as Bangor University's Director of Sustainability Einir and her Sustainability Lab team are promoting the ways of working promoted in the Act across the institution and beyond. Maintaining standards is as important to sustainability as recycling and saving energy and Einir Welcomes the opportunity to contribute to and chair Gwynedd's Standards Committee.

Amongst her many interests Einir is a passionate walker and she and her dog are currently walking the Wales Coastal Path with her sister.

Jacqueline Hughes (member since 2015)

Jackie lives in Nantlle with her husband Ian, 3 daughters, grand daughter and a very lively dog. Originally from the Wirral, she qualified as a diagnostic radiographer in 1987 after studying at Guys Hospital School of Radiography. After settling in North Wales with her young family, she joined the staff at Ysbyty Gwynedd. Jackie's career in Bangor has advanced both as a radiographer and as an industrial relations representative. She is currently the Staff Side Chair for the Betsi Cadwaladr Health Board as well as being the local society representative for most of the radiographers in North Wales. She has been President of the Society and College of Radiographers and was instrumental in developing the response to the Francis Report, and subsequently a new code of conduct for radiographers. She believes that any one working in public life must maintain a high level of personal standards in order to be credible to the public.

David Wareing (member since 2015)

In 2014 David relocated from Lancashire to Groeslon following his retirement from Merseyside Police. He served for 26 years in a variety of roles with his last posting being to the Force Operations Department at HQ. This position involved the planning and delivery of large-scale public events, public safety during major Police operations and the reduction of police support to outside agencies through greater partnership working. David specialised in risk assessment and ensuring compliance of relevant Health and Safety legislation working within the legal framework. David represented Merseyside Police on all five Safety Advisory Groups that covered the Force Area. He firmly believes that the actions of those in public office must be both transparent and accountable.

Aled Jones (member since 2016)

Aled is originally from Lampeter, Ceredigion. He read Welsh and Geography at Aberystwyth University. Having graduated in 1999, he moved to Caernarfon to work for Cymen translation company. He became a joint-owner of the company in 2007 and now heads a team of 20 members of staff and employs over 15 other freelance translators. He lives in Bangor with Tegwen, and their two children Cai and Beca. He has a keen interest in sport and can often be seen on the touchline supporting Bethesda Rugby Club and Bangor City Football Club. As a result of his work as a simultaneous translator he is privy to observe conduct and standards at all levels of governance and to identify best practice.

Community Committee Member

Councillor Richard Parry Hughes (member since 2017)

[TO FOLLOW]

Gwynedd Council Members

Councillor Dewi Roberts (member since 2017)

[TO FOLLOW]

Councillor Beth Lawton (member since 2017)

[TO FOLLOW]

Councillor Anne Lloyd-Jones (member since 2017)

[TO FOLLOW]

The Monitoring Officer

The Council's Monitoring Officer, Iwan Evans, along with officers from the Legal Service and the Democratic Service support the Standards Committee in its work. The Monitoring Officer has a statutory role to ensure that the Council, its members and its officers act appropriately and lawfully.

Contact Details

- Iwan Evans, Head of Legal Services and Monitoring Officer.
E-mail: IwanGDEvans@gwynedd.llyw.cymru Tel: 01286 679015
- Sion Huws, Senior Solicitor (Corporate).
E-mail: sionhuws@gwynedd.llyw.cymru Tel: (01286) 679168

THE COMMITTEE'S WORK DURING 2016-2017

The Committee's work over the year has included the following (the Committee's full work programme can be seen in **Appendix 1**):

Cases heard by the Standards Committee

No complaints that elected members had breached the Code of Conduct were referred to the Committee during the year

Other Complaints

The Committee is also informed of those complaints not referred to it for decision. Summaries can be found in **Appendix 2**.

Dispensations

The Code of Conduct for Members provides that a councillor cannot participate in a discussion if he/she has a 'prejudicial interest'. However, a member has a right to apply to the Committee for permission to participate despite having this interest, i.e. dispensation.

The Committee considered three applications for dispensation during this period from members of Gwynedd Council. All three were granted.

Training on the Code of Conduct

The Committee considered whether there were alternative methods of providing training for town and community councils. It decided to pilot a scheme that would mean offering to provide a trainer to hold a session on the Code of Conduct locally to councils, rather than centralise sessions at the main centres only.

The Committee also decided that a handout could be included in the induction pack provided for new town / community council members to summarise the main points of the Code of Conduct

North Wales Standards Committee Forum

The North Wales Standards Committee Forum gives representatives of all north Wales authorities' standards committees the opportunity to meet. The purpose of the forum is to enable the area's standards committees to discuss and share ideas, good practices and resources and also provide a joint opinion on a national level. The Chair and Vice—chair of the Committee attend the meetings.

Ceredigion and Powys Standards Committees are by now also members of the Forum.

THE STANDARDS COMMITTEE'S WORK PROGRAMME 2017-18

10 July 2017

- **Undertaking Self-Assessment and formulating a Work Programme for the upcoming year**
- **Consideration of One Voice Wales'local dispute resolution procedure for community councils**
- **Consideration of the Annual Report of the Adjudication Panel for Wales**

2 October 2017

- **Consideration of Gwynedd Council's Protocol for Member / Officer Relations**
- **Consideration of Gwynedd Council's Gifts and Hospitality Protocol for Members**
- **Deciding on applications for dispensations**
- **Consideration of the Annual Report of the Ombudsman**

12 March 2018

- **Consideration of the arrangements for the provision of training to community councils**
- **Overview of the role and functions of the Standards Committee**

The Committee was informed of the following decisions by the Ombudsman in relation to allegations that county and community and town councillors had breached the Code of Conduct:

Allegation	Decision
That a community councillor had brought his position or the authority into disrepute and had used his position improperly whilst serving on a local committee.	No investigation. The member served on the committee in a personal and private capacity and not as an elected councillor.
That a councillor had made comments on his Facebook page that were defamatory and brought his office and authority into disrepute,	No investigation. It was unclear whether the comments were wholly public and if he had made them as an elected member. The Ombudsman however intended to write to the member to remind him that the provisions of paragraph 6(1)(a) (disrepute) applied at all times and in any capacity. An allegation of libel was a legal matter that should be resolved through the courts.
Complaints against four community councillors in connection with non-declaration of interests.	No investigation in three cases. Investigation into two complaints against the same councillor. Whilst the conclusion was that there had been a breach, no further action required..

<p>A complaint by a town councillor that a fellow councillor had failed to disclose a close personal connection with a person who was in dispute with the council; that said connection formed a prejudicial interest; that she had concealed the fact in order to gain financial advantage. It was also alleged that the member had instructed the Clerk not to record and/or circulate minutes regarding the matter.</p>	<p>The Ombudsman investigated the complaint and reached the following conclusions:</p> <ul style="list-style-type: none"> • There was no evidence that a close personal connection existed • There was no evidence that the member had sought to conceal interest or gain personal advantage • While there had been problems with the council's minutes in the past, there was no evidence that the member had instructed the Clerk not to prepare minutes and circulate them
<p>A complaint by a member of the public that a town councillor, by virtue of his position as chair of a local organisation, had made threatening comments towards him in relation to provision for disabled visitors to the organisation.</p>	<p>The Ombudsman resolved not to investigate the complaint for the following reasons:</p> <ul style="list-style-type: none"> • It appeared that the councillor was acting as a private individual at the time not as a councillor. The circumstances of the case meant that the Code of Conduct was not relevant to the member's conduct as an individual.

<p>A complaint by a member of the public that a town councillor had made sexist and misogynistic comments on his Facebook page.</p>	<p>The Ombudsman resolved not to investigate the complaint for the following reasons:</p> <ul style="list-style-type: none"> • It appeared that the councillor was using a personal Facebook account at the time. The Ombudsman did not see any reference to his status as a councillor or suggestion that he was acting as one at the time. • Article 10 of the European Convention on Human Rights protected people's right to say some things despite the fact that they could be unacceptable to others. • No individual or company was named in the comments • The Ombudsman did not condone the comments and it could be said that they did bring him as an individual into disrepute • Nevertheless, in the absence of a reference to a specific individual, the comments were not sufficiently offensive so as to bring the council or the role of councillor into disrepute
<p>Complaint by a member of the public that a member had been part of a decision to release confidential information</p>	<p>The Ombudsman decided not to investigate for the following reasons:</p> <ul style="list-style-type: none"> • There was insufficient evidence that the member was implicated in releasing the information

Complaint by a member of a town council that a fellow member had made a vexatious complaint against her to the Ombudsman	<p>The Ombudsman decided not to investigate for the following reasons:</p> <ul style="list-style-type: none"> • The Ombudsman had accepted the complaint for investigation and could not conclude that the complaint was vexatious
A complaint that a member had used his position as an elected member in relation to a complaint of harassment.	<p>The Ombudsman decided not to investigate for the following reasons:</p> <ul style="list-style-type: none"> • The member was not acting as an elected member at the time but as a private individual. • The comments made by the member did not damage the reputation of the Council.
Complaint by a member of the public that a councillor had refused to engage with him in relation to issues relating to his property and to a dispute with the council.	<ul style="list-style-type: none"> • It is a matter for a councillor to decide whether to meet or correspond with a member of the public. The principal duty of members is to represent residents in their constituencies, but there is no obligation to deal with each individual matter reported to them.

Member against whom complaint was made	
Member of community council	9
Member of Gwynedd Council	3
Member of Gwynedd Council and community council	3
Nature of complainant	
Councillor	9
Member of public	6
Officer	0
Natur of allegation	
General behaviour	9
Declaration of interests	6
Result	
No investigation	11
Investigation	4
Reference to Standards Committee	0
Reference to Adjudication Panel for Wales	0

Agenda Item 6

MEEETING	Standards Committee
DATE	9 July 2018
TITLE	Self Assessment and Work Programme
AUTHOR	Monitoring Officer.

1. There are two aims in this report namely undertake a assessment of the work and outcomes of the Committee for 2017-18 and consider a draft work programme for 2018-19
2. The terms of reference of the Standards Committee has been established through statute in the Councils Constitution and it is timely that that the Committee perhaps considers them anew at the beginning of a new term so as to prepare a work plan for the year..
 - (a) promoting and maintaining high standards of conduct by Councillors and co-opted Members of the Authority;
 - (b) assisting the Councillors and co-opted Members to observe the Members' Code of Conduct;
 - (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
 - (d) monitoring the operation of the Members' Code of Conduct;
 - (e) advising, training or arranging to train Councillors and co-opted Members on matters relating to the Members' Code of Conduct;
3. The Committee members are asked to consider the functions listed in the first column and then note which assessment they believe is relevant, using the following categories :

Category 1 – That the Committee has made significant progress in achieving the function or in the case of specific tasks that the need to act has not arisen.

Category 2 – That the Committee has substantially implemented the function.

Category 3 – That the Committee has acted in the function but there is a need to give further attention.

Category 4 – There is no evidence that the Committee has actioned the function and there is a basis for concluding that the area needs attention.

4. It is necessary to note the evidence which supports the category which the Committee awards. The column "Evidence" shows some examples of evidence, but it is possible that the Committee members are able to add to it.
5. By assigning a category to each function and noting the evidence, it is possible for the Committee to come to a conclusion regarding which further steps they need to take (if any). The last column contains some suggestions for further steps. These are the matters which will be fed through to the Committee work programme in the future.

6. Appendices

In Appendix 1 there is a draft self assessment for the committees consideration

In Appendix 2 the 2017-18 Work Programme and an assessment of achievement.

In Appendix 3 a draft work programme for 2018-19

RECOMMENDATION

The Committee is asked to undertake a self assessment of its performance in 2017-18 and approve the work programme for 2018-19

APPENDIX 1

SELF ASSESSMENT OF THE STANDARDS COMMITTEE 2017/18

FUNCTION	ASSESSMENT (1/2/3/4)	Evidence	Further Action
Promote and maintain a high standard of conduct amongst members		The Chair and Vice Chair have attended the North Wales Standards Forum to share experiences with other standards committees.	Continue to attend and support
Assist the members to keep to the Code of Conduct		Supported an induction programme for the new Council.	Consider feedback and new training programme
Advise the Council regarding adopting or amending the Code of Conduct		The Committee considered amendments to the Model Code of Conduct for adoption by the Council	
Monitor the operation of the Code of Conduct		<p>Receive regular reports on allegations against members</p> <p>Receive the annual reports of the Adjudication Panel for Wales and the Ombudsman</p> <p>Receive annual reports in relation to the interests register and the declarations made.</p> <p>Receive annual reports on the register of interests and hospitality.</p>	Incorporate the Committees observations on these reports in the Committee's annual report.
Advise, train or arrange training for members on matters relating to the Code of Conduct		Supported an induction programme for the new Council.	Consider new training programme

Grant dispensations to members		The Committee dealt with applications for dispensations in an objective and appropriate manner.	
Deal with reports of tribunals and any reports from the Monitoring Officer on matters referred by the Ombudsman		There were no hearings	
Authorise the Monitoring Officer to pay allowances to persons assisting with an investigation		No occasion to pay such an allowance has arisen.	
Exercise the above functions in relation to community councils		The amendments to the Model Code were communicated to the Community Councils and a joint advertisement was prepared with a number of them .	Arrange new training programme

ATODIAD 2 / APPENDIX 2

Rhaglen Waith Pwyllgor Safonau 2017/18	Standards Committee Work Programme 2017/18	
10 Gorffennaf 2017	10 July 2017	1
Adroddiad Blynyddol	Annual Report	1
Hunan Arfarniad a Rhaglen Waith	Self-Assessment and Work Programme	1
Honiadau yn erbyn aelodau	Allegations against members	1
Trefn Datrys Leol Un Llais Cymru	Local Resolution Procedure – One Voice Wales.	1
Adroddiad Blynyddol Panel Dyfarnu	Annual Report of Adjudication Panel	4
2 Hydref 2017	2 October 2017	1
Adroddiad Blynyddol yr Ombwdsman	Ombudsman’s Annual Report	1
Honiadau yn erbyn Aelodau	Allegations against members	1
Adolygiad Protocolau	Review of Protocols	
22 Ionawr 2018- Dim Cyfarfod	22 January 2018 – No Meeting	
12 Mawrth 2018	12 March 2018	

Cofrestr Rhoddion a Lletygarwch	Gifts and Hospitality Register	4
Cofrestr Datgan Buddiant	Declaration of Interest registers	4
Adroddiad Blynyddol y Panel Dyfarnu	Annual Report of Adjudication Panel	1
Honiadau yn erbyn aelodau	Allegations against members	1
Hunan Arfarniad a Rhaglen Waith	Self-Assessment and Work Programme	4
Hyfforddiant Cyngorau Cymuned	Community Council Training	1

ATODIAD 3/ APPENDIX 3

Gwaith Pwyllgor Safonau 2018-19	Standards Committee Work 2018-19
<p>9 Gorffennaf 2018</p> <p>Adroddiad Blynyddol</p> <p>Honiadau yn erbyn aelodau</p> <p>Cwblhau Adolygiad Protocol Aelodau Swyddogion</p> <p>Cymeradwyo Canllawiau Cod</p>	<p>9 July 2018</p> <p>Annual Report</p> <p>Allegations Against Members</p> <p>Complete Review of Member Officers Protocol</p> <p>Approve Code Guidelines</p>
<p>1 Hydref 2018</p> <p>Cofrestr Rhoddion a Lletygarwch</p> <p>Cofrestr Datgan Buddiant</p> <p>Adroddiad Blynyddol yr Ombwdsman</p> <p>Honiadau yn erbyn Aelodau</p> <p>Trefn Goddefebau</p>	<p>1 October 2018</p> <p>Gifts and Hospitality Register</p> <p>Declaration of Interest registers</p> <p>Ombudsman's Annual Report</p> <p>Allegations Against Members</p> <p>Dispensations Procedure</p>

<p>21 Ionawr 2017</p> <p>Cofrestr Rhoddion a Lletygarwch</p> <p>Cofrestr Datgan Buddiant</p> <p>Adroddiad Blynyddol y Panel Dyfarnu</p> <p>Honiadau yn erbyn aelodau</p>	<p>21 January 2017</p> <p>Gifts and Hospitality Register</p> <p>Declaration of Interest registers</p> <p>Annual Report of Adjudication Panel</p> <p>Allegations against members</p>
<p>18 Mawrth 2019</p> <p>Hunan Arfarniad a Rhaglen Waith</p> <p>Honiadau yn erbyn aelodau</p> <p>Adolygiad Hyfforddiant</p>	<p>18 March 2019</p> <p>Self-Assessment and Work Programme</p> <p>Allegations against members</p> <p>Training Review</p>

COMMITTEE	Standards Committee
DATE	9 July 2018
SUBJECT	Protocol on Member Officer Relations
AUTHOR	Iwan Evans – Monitoring Officer
PURPOSE OF THE REPORT	To report back on the consultations on the review.

Background

As part of the process of reviewing Proprietary Protocols the Standards Committee expressed a wish to review this specific Protocol identifying minor changes in relation to meaning and interpretation which required consideration.

Following the decision to undertake a review consultation took place with the Democratic Services Committee, Heads of Service and Senior Managers in the Council. This has resulted in a number of proposed amendments which are highlighted in the attached document.

The key proposed changes are around strengthening the provision around bullying and harassment, clarifying the provision which relates to familiarity between officers and members and response to correspondence.

It should be noted that the provision in relation to correspondence reflects separate work undertaken and guidance already provided to staff in relation to dealing with members’ correspondence.

Recommendation

That the Standards Committee considers the proposed amendments and makes recommendations to the Council on the revision of the Member Officer Relations Protocol

Appendix 1

Draft Protocol on Member Officer Relations

Appendix 2

Minutes of the Democratic Services Committee 12 April 2018

Appendix 1

SECTION 21

21. PROTOCOL ON MEMBER / OFFICER RELATIONS

21.1 Introduction

The purpose of this Protocol is to guide Members and Employees of the Council in their relations with one another.

21.2 Mutual respect between Members and Employees is essential to good local government. However, close personal familiarity between individual Members and Employees can damage this relationship and prove embarrassing to other Members and Employees.

21.3 The relationship has to function without compromising the ultimate responsibilities of Employees to the Council as a whole, and with due regard to such technical, financial, professional and legal advice that Employees can legitimately provide to Members. The Protocol seeks to set a framework that assists the working relationships between Members and Employees.

21.4 Members and Employees are subject to their respective Codes of Conduct which are available in this Constitution. This Protocol provides guidance on work relations between Members and Employees. It is essential that both are familiar with the detailed obligations in their individual Codes of Conduct which will be the overriding factor should there be any conflict between the Codes and this Protocol.

21.5 Roles of Members

Members undertake many different roles. Broadly these are:

21.5.1 Members express political values and support the policies of the party or group to which they belong (if any).

21.5.2 Members represent their electoral division and are advocates for the citizens who live in the area.

21.5.3 Members are involved in active partnerships with other organisations as community leaders.

21.5.4 Members contribute to the decisions taken in Full Council and in its various bodies on which they serve, as well as joint committees, outside bodies and partnership organisations.

21.5.5 Members work with Officers to help develop and review policy and strategy.

21.5.6 Members monitor and review policy implementation and service quality.

21.5.7 Members are involved in quasi-judicial work through their Membership of Environment committees.

21.6 Conduct of Members

Member conduct is controlled by the Code of Conduct for Members which states:

“You must -

- (a) undertake your duties and responsibilities by giving due attention to the principle that everyone shall have an equal opportunity regardless of their gender, race, disability, sexual orientation, age or religion;*
- (b) show respect to others and be mindful of them;*
- (c) not behave in a bullying or harassing manner towards any person; and*
- (d) not do anything which compromises or which is likely to compromise the impartiality of those who work for the council or on its behalf.”*

21.7 Roles of Employees

Briefly, Employees have the following main roles:

21.7.1 Managing and providing the services for which the Council has given them responsibility and being accountable for the efficiency and effectiveness of those services.

21.7.2 Providing advice to the Council and its various bodies and to individual Members in respect of the services provided.

21.7.3 Initiating policy proposals.

21.7.4 Implementing agreed policy.

21.7.5 Ensuring that the Council always acts in a lawful manner.

21.8 Conduct of Employees

Employee conduct is controlled by the Code of Conduct for Employees which states:

“Contact with members, the public and other employees.

- 4. Joint respect between qualified employees and members is essential for good local government, and work relationships should remain on a professional level.*
- 5. The competent employees of the relevant authorities should deal with the public, members and other employees in a sympathetic, efficient and impartial manner.”*

21.9 Respect and Courtesy

21.9.1 For the effective conduct of Council business there must be mutual respect, trust and courtesy in all meetings and contacts,

both formal and informal, between Members and Employees. This plays a very important part in the Council's reputation and how it is seen in public. It is very important that both Members and Employees remember their respective obligations to enhance the Council's reputation and to do what they can to avoid criticism of other Members, or other Employees, in public places.

21.9.2 Undue Pressure

- (a) It is important in any dealings between Members and Employees that neither should seek to take unfair advantage of their position.
- (b) In their dealings with Employees (especially junior Employees) Members need to be aware that it is easy for them to be overawed and feel at a disadvantage. Such feelings can be intensified where Members hold senior official and/or political office.
- (c) A member should not place officers under inappropriate pressure to act in accordance with the member's wishes and an officer shall retain the right to offer a professional opinion that is contrary to the views of the member.
- (d) A Member should not apply undue pressure on an Employee either to do anything that he is not empowered to do or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Council property and services.
- (e) Similarly, an Employee must neither seek to use undue influence on an individual Member to make a decision in his favour, nor raise personal matters to do with their job, nor make claims or allegations about other Employees. *(The Council has formal procedures for consultation, grievance and discipline, and Employees have the right to report possible wrongdoing under the Council's Confidential Reporting Code.)*

21.9.3 Bullying or harassment

“Harassment is repeated behaviour which upsets or annoys people. Bullying can be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour. Such behaviour may happen once or be part of a pattern of behaviour directed at a weaker person or person over whom you have some actual or perceived influence. Bullying behaviour attempts to undermine an individual or a group of individuals, is detrimental to their confidence and capability, and may adversely affect their health. This can be contrasted with the legitimate challenges which a member can make in questioning policy or scrutinising performance.” (Public Service Ombudsman)

It is unacceptable for a member to bully or harass an officer. Any act against an officer is deemed to be bullying or harassment if it was intended to have an inappropriate or unfair influence on his/her views or actions. There is no room for disparaging personal remarks during discussions between members and officers and it is not considered appropriate for either party to voice a complaint against the other publically in a committee or in the press, without first referring to the Council's internal procedure in an attempt to resolve that complaint.

21.9.4 Familiarity

A good working relationship between Officers and Members can be a means of creating an effective working relationship. However, they should exercise care in developing close personal friendships. The mutual respect and expectation and appearance that Officers provide objective and un-biased advice to members should not be undermined.

- (a) — ~~Close personal familiarity between individual Members and Employees can damage the principle of mutual respect. It could also, intentionally or accidentally, lead to the passing of confidential information or information which should not properly be passed between them, such as personal details.~~
- (b) — ~~Such familiarity could also cause embarrassment to other Members and/or other Employees and even give rise to suspicions of favouritism.~~
- (c) — ~~For these reasons close personal familiarity must be avoided.~~

21.10 **Provision of Advice and Information and Dealing With Correspondence to Members**

21.10.1 Employers are employed by the Council as a whole. They service the Council and are accountable to the Chief Executive and their relevant Director/Heads of Service and not to individual members of the Council whatever their role.

21.10.2 Members are free to approach Employees of the Council to provide them with such information and advice as they may reasonably need in order to assist them in discharging their role as a Member of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent.

21.10.3 Employees should always endeavour to respond to requests for information **and correspondence** as promptly as **possible** and should in any event inform the Member if there is likely to be any appreciable delay in dealing with an enquiry. As a minimum the timescale for responding to correspondence should be observed i.e. either a full response **within five working days** or, if this is not possible, an acknowledgement that **Page 87** ~~explains what is happening~~ within five working days of the receipt of the enquiry **and keep in contact on progress.**

- 21.10.4 The legal rights of Members to inspect Council documents are covered partly by statute and partly by common law.
- 21.10.5 The Access to Information Procedure Rules of this Constitution explain the position with regard to access to papers relating to the business of a Council body.
- 21.10.6 The exercise of the common law right depends upon a Member's ability to demonstrate a "need to know". In this respect a Member has no right to "a roving commission" to examine any documents of the Council. Mere curiosity is not sufficient.
- 21.10.7 The information sought by a Member should only be provided by the respective Service as long as it is within the limits of the Service's resources. For their part, Members should seek to act reasonably in the number and content of the requests they make.
- 21.10.8 It is important for Services and their staff to keep Members informed both about the major issues concerning the Council and, more specifically, about issues and events affecting the area that he represents. Local Members should be informed about proposals that affect their electoral division and should also be invited to attend Council initiated events within their electoral division.
- 21.10.9 If a Member asks for specific information relating to the work of a particular Service, and it appears possible or likely that at a subsequent meeting an issue could be raised or question asked on the basis of the information provided, then the appropriate Cabinet Member or Committee Chair concerned should be advised about the information provided.
- 21.10.10 Officers have to advise Members from time to time that a certain course of action cannot be carried out. Members sometimes assume that this is a case of Officers deliberately obstructing the wishes of politicians. In fact this is hardly ever the case. Officers are employed to give unbiased professional advice even if it is not what Members want to hear. They do this as much for the protection of Members as for any other reason. However, the mark of an effective Officer is that if they do have to give negative advice, this will be accompanied by suggestions as to how Members might achieve some or all of their objectives in other ways. Such Officers are invaluable to any Council.
- 21.10.11 Members may be entitled under the Freedom of Information Act 2000 to receive information which falls outside their common law rights based on the "need to know". Employees are encouraged to supply documents to Members without the need for a formal FOI request if it is apparent from the Member's enquiry that any individual would be entitled to receive such documentation. The Council's Information Manager will be able to advise in consultation if necessary with the Monitoring Officer on whether any request would fall within the Freedom of Information Act.

- 21.10.12 It is important to have a close working relationship between the Council Leader, Cabinet Member and the director, heads of service and the senior officers of any department that deals with the relevant portfolio. Nevertheless, these relationships should never be allowed to develop to be too close, or to appear that way, so that it throws doubt on the officer's ability to deal impartially with other members and other political groups.
- 21.10.13 It must be borne in mind that officers are accountable to their head of service and although officers should always seek to assist the chair, portfolio leader (or indeed any member), in doing so they must not venture beyond the limits of whichever authority they have been granted by their chief officer.

21.11 Confidentiality

- 21.11.1 In accordance with the Code of Conduct for Members, a Member must not disclose information given to him/her in confidence by anyone, or information acquired which he/she believes, or ought reasonably to be aware, is of a confidential nature, except where:
- (a) he/she has the consent of a person authorised to give it;
 - (b) he/she is required by law to do so;
 - (c) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (d) the disclosure is:
 - (i) reasonable and in the public interest; and
 - (ii) made in good faith and in compliance with the reasonable requirements of the authority.
- 21.11.2 Confidential Committee papers (pink papers) are to be treated as confidential information unless the relevant Committee resolves not to exclude press and public. Members are reminded that the author of the report makes the initial decision as to whether or not the papers are to be treated as confidential. The decision as to whether they remain confidential is for the Committee. Other information may be confidential because to disclose it would be against the Council's or the public interest. Information may also be confidential because of the circumstances in which it was obtained.
- 21.11.3 Information and correspondence about an individual's private or business affairs will normally be confidential.
- 21.11.4 Officers should make it clear to Members if they are giving them confidential information. If a Member is not sure whether information is confidential, he or she should ask the relevant Officer, but treat the information as confidential in the meantime.

- 21.11.5 Any Council information provided to a Member must only be used by the Member in connection with the proper performance of the Member's duties as a Member of the Council.
- 21.11.6 If a Member receives confidential information and considers it should be disclosed to another person because it is reasonable and in the public interest to do so then he or she must first consult with the Monitoring Officer and shall not disclose the information without having regard to any advice given by that Officer.

21.12 Provision of Support Services to Members

21.12.1 The only basis on which the Council can lawfully provide support services (eg stationery, word processing, printing, photocopying, transport, etc) to Members is to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

21.12.2 Correspondence

Official letters on behalf of the Council should be sent in the name of the appropriate Employee, rather than over the name of a Member. There are circumstances where a letter sent in the name of a Member is perfectly appropriate, for example, in response to a letter of enquiry or complaint sent direct to that Member. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

21.12.3 Usually, an officer should not send a copy of correspondence between an individual member and that officer to any other member. When there is a specific case where a copy of correspondence needs to be sent to another member, this should be explained clearly to the original member. In other words, a system of "blind carbon copies" should not be used.

21.12.4 Media

Communication with the media can be an important part of a Member's workload. In general, Members provide comment and views while Employees provide factual information. If a Member is unsure about the circumstances of a particular issue he should contact the appropriate Director or Head of Service concerned or ask the Press Office to do so.

21.13 The Council's Role as Employer

In their dealings with Officers, Members should recognise and have regard to the Council's role as employer. Members should be aware that Officers could rely on inappropriate behaviour of a Member in an employment case against the Council.

21.14 Political Activity

21.14.1 There are a number of constraints that apply to an employee who occupies a post that is designated as "politically

restricted” under the terms of the Local Government and Housing Act 1989.

21.14.2 In summary, such employees are prevented from:

- (a) being a Member of Parliament, European Parliament or local authority;
- (b) acting as an election agent or sub-agent for a candidate for election as a Member of any the bodies referred to in;
- (c) being an Officer of a political party or any branch of a political party or a Member of any committee or sub-committee of such a party or branch, if his duties would be likely to require him to:
 - (i) participate in the general management of the party or branch; or
 - (ii) act on behalf of the party or branch in dealings with persons other than Members of the party;
- (d) canvassing on behalf of a political party or a candidate for election to any the bodies referred to in;
- (e) speaking to the public with the apparent intent of affecting public support for a political party; and
- (f) publishing any written or artistic work of which he is the author (or one of the authors) or acting in an editorial capacity in relation to such works, or to cause, authorise or permit any other person to publish such work or collection - if the work appears to be intended to affect public support for a political party.

21.14.3 Officers will provide advice to committees, member forums etc., rather than to political groups. Nevertheless, from time to time it may be unavoidably necessary to advise a political group. In such circumstances, it is appropriate for political groups to call on Employees to assist and contribute to their considerations provided that they maintain a stance that is politically impartial. Employees are employed by the Council as a whole. They serve the Council and are responsible to the Chief Executive and their respective Directors/Heads of Service, and not to individual Members of the Council whatever office they might hold.

21.14.4 Both Members and Employees are subject to their own Codes of Conduct which can be found in the Constitution. This Protocol provides guidance on working relationships between Members and Employees. It is essential that both are familiar with the detailed obligations in their respective Codes of Conduct which will prevail in the event of any conflict between the Codes and this Protocol. You should always register with the Monitoring Officer each occasion when an officer (except for the political assistant) attends a meeting of a political group.

21.15 Breach of the Protocol

- (a) If a Member is of the opinion that he/she has not been treated with appropriate respect or courtesy he/she may raise the

matter with the line manager of the employee. If direct discussion with the manager does not resolve the complaint, it should be redirected to the Head of Service or the Director who has responsibility for the employee in question. A breach of the Protocol could lead to disciplinary action against the employee if the circumstances justify that.

- (b) If an employee is of the opinion that a Member has breached the Protocol he/she should consult with the Head of Service or the Director if required. In some cases a case of breaching the Protocol would also involve a breach of the Code of Conduct for Members. If the matter is serious enough there may be justification for redirecting the matter to the Monitoring Officer as a complaint to be considered under the local resolution procedure which could ultimately lead to a hearing before the Standards Committee. It will be possible to resolve many complaints informally. The Monitoring Officer or the Chief Executive will assist with this process if required.

21.16 Conclusion

It is hoped that, by following good practice and securing sensible and practical working relationships between Members and Employees, we can provide one of the cornerstones of a successful local authority and thereby enhance the delivery of high value quality services to the people of the area. Mutual understanding, openness and respect are the greatest safeguard of the integrity of the Council, its Members and Employees.

Appendix 2

6. MEMBER-OFFICER PROTOCOL

Submitted - the report of the Monitoring Officer, noting that the Protocol had been established for some time, defining the role and expectations as members contacted officers. He noted that it was timely to review the Protocol to ensure that it continued to fulfil its purpose and to promote it. The protocol would also be submitted to the Standards Committee before it would go to the full Council to be adopted as a change to the constitution. The main changes were to better convey the principle that was behind clause 29.9.4 (familiarity) and to reflect the staff guidelines in clause 21.10.

In response to a question about familiarity and its relevance to 'friends' on websites such as Facebook, the Monitoring Officer noted that the nature of 'friends' on such websites was different to relationships and familiarity in the real world. He also reminded the Members of the social media guidelines that had been distributed. He also noted, in response to a question, that in cases of familiarity before the election of a Member, the matter should be dealt with like any other declaration of personal interest.

It was asked how strong the protocol was, and what was its status. In response, the Monitoring Officer noted that the Protocol defined the internal process, and whilst it was possible for cases to go before the Standards Committee, it did not have a statutory basis. Other observations arising from the discussion:

- That local members were often unaware of what the Council was doing in their wards, and that it caused concerns that Members were receiving information from their electors.
- What steps should a Member follow if they received a complaint of bullying.

In response, the Monitoring Officer noted that the Protocol referred to cases of officers being bullied by Members. The Head of Democratic Services added that the internal bullying policy existed in order to address such matters.

RESOLVED to accept the report and to send the Committee's observations to the Standards Committee

Agenda Item 8

Committee:	Standards Committee
Date:	9 July 2018
Title:	Members Code of Conduct Guidance
Author:	Monitoring Officer
Purpose:	To present draft guidance on the Code for consideration and approval

Background

At the conclusion of the first year of the new Council a number of observations and comments became apparent which suggested that there was room for guidance to assist members with the Code

Two draft guides are attached for consideration

1. Declarations of Interest
2. Members Contact as individuals

Recommendation

That the Committee considers the draft guides and approves them

1. DO I HAVE AN INTEREST?

When's this important?

In informal meetings, Committees. Working Groups.
When contacting and discussing with officers and other members.
When calling or writing to the Council
Whether there is a decision to be taken or not does not matter.

What kind of things create interests?

Things which are likely to affect the wellbeing or financial circumstances of:

Myself

My Family

Partners

People with whom I have a close personal contact

Things which relate to or are likely to affect

My employer

My business,

My home or land which I own or have on a tenancy

Charities, bodies, authorities, clubs or movements of which I am a member or manage.

A school at which I am a Governor

A Scrutiny Committee scrutinising my decisions

**YOU ARE
RESPONSIBLE-TAKE
ADVICE**

Iwan Evans –
Monitoring
Officer

Rhun Ap Gareth –
Senior Solicitor
(Deputy
Monitoring
Officer),

Sion Huws- Senior
Solicitor

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2. WHAT SHOULD I DO?

Always be transparent and open

Make a clear statement that you have an interest

Explain exactly what it is

Do this as soon as you realise that you have an interest

DISPENSATIONS

You can apply to the Standards Committee for permission to participate. This is on certain specific grounds and subject to a public interest test. **ASK FOR ADVICE**

How significant is the interest?

If it appears significant enough to colour your opinion:

Do not participate at all (i.e leave the room when the matter is being considered)

Don't try and influence the matter

Don't contact members or officers to try and brief or direct them.

"Don't decide on the basis of your own opinion only

consider what a member of the public might think"

(there are exceptions for some bodies of a public nature or bodies to which you have been appointed by the Council)

WHEN YOU NEED TO GET IN CONTACT

If you need to contact the Council (e.g. about services you or your family or business need) then you need to declare that you are not acting as a councillor.

This should be done at the outset.

You cannot use your access to officers as a member for your own personal benefit.

You must use only use facilities which are available to the public.

GUIDELINES FOR MEMBERS ON IMPLEMENTING THEIR RIGHTS AS INDIVIDUALS IN RELATION TO THE COUNCIL'S WORK ADVICE FROM THE STANDARDS COMMITTEE

1. The Code of Conduct for Members and other protocols provide guidance to members regarding how to implement their duties as members of the Council. But what about the position when a member needs to contact the Council as a private individual rather than a member?
2. The Code applies to a member when officially acting as a member, purporting to act as a member or creating an impression that they are acting as a member. They will also be subject to the Code in a wider context if they bring the office into disrepute or misuse their position to gain an advantage to themselves or others.
3. Members of the Council like their electors citizens of the area and it is inevitable that occasions will arise where a member will need to exercise his/her rights as a private individual. This could be for a number of reasons. A member could be working as a contractor providing services to the Council, the secretary of a voluntary organisation applying for grants, arranging care provision for a relative or objecting to a planning application next door to his/her home.
4. In the spirit of trying to strike that right balance the following advice is offered to a member who faces conflict between his private interests and his role as a councillor.
5. In the first place, it is suggested that the member should try his best to avoid placing himself in a position where such conflict could arise. It should be considered whether the action which would create conflict needs to be taken or is there anyone else who could act on his behalf. This should be possible, for example, if the member is representing another body or organisation rather than his own personal interests or those of his family.
6. If it is not possible to avoid the situation and that it is unavoidable that the member comes into contact with the Council the following steps are proposed as appropriate ones to take:
 - a. When writing to the Council or in other contact, at the first contact formally declare the interest and its nature and that the member is acting in a private capacity.
 - b. If the matter has been raised by the Council contacting the member in his role as an individual (e.g. consultation on a planning matter) the members should clearly declare their interest and its nature when responding.
 - c. It would be advantageous for any request for service to be noted in writing
 - d. When writing to the Council (or anyone else) as an individual he/she should not use the Council's official paper or "councillor" e-mail address – this would be inappropriate and it would be unclear as to which role the member is representing

- e. When contacting the Council as an individual members should not use their position as Councillor to gain access to officers which would not be available to members of the public
7. Subject to the nature of the contact Departments may place specific measures in place to deal with the situation. This would be to ensure the propriety and transparency of the arrangement for the protection of all involved.
8. If any members are uncertain of their situation and rights in relation to acting as an individual they are encouraged to ask for the advice of the Monitoring Officer beforehand.
9. These guidelines are provided as advice to members by the Standards Committee. They do not hold the same power as the Code of Conduct and members are reminded that it is a matter for them personally to come to a conclusion regarding any interests they may have.

Committee:	THE STANDARDS COMMITTEE
Date:	9 July 2018
Title:	Allegations against members
Author:	Monitoring Officer
Purpose:	For information

1. Background

The purpose of this report is to inform the Committee of the Ombudsman's decisions on formal complaints against members.

2. Decisions

Complaint 7294/201800440

A complaint that a member of a town council failed to declare an interest in a council meeting, and that she should have withdrawn from the meeting.

The Ombudsman resolved not to investigate the complaint for the following reasons:

- The member had declared an interest but was of the opinion that it was not a prejudicial interest. Due to the nature of the subsequent discussion, the Ombudsman was not persuaded that it was a prejudicial interest that meant that she should have withdrawn from the meeting.

Complaint 16645/201800975

A complaint by a member of the public that a town councillor had failed to declare an interest relating to a person that was one of his customers.

The Ombudsman resolved not to investigate the complaint for the following reasons:

- As an individual that ran a local business it was obvious that the councillor would know a number of other individuals living in the area. The subject in question was not one where an independent person would consider that he or she would benefit from personally, or be able to influence a decision that would create a negative situation for the complainant.

Complaint 201800612

A complaint by a member of the public about the manner in which a town councillor spoke to her on three occasions about a specific matter.

The Ombudsman resolved not to investigate the complaint for the following reasons:

- Without further evidence, it was not possible to reconcile the complainant's description of the incidents with the member's description. Both versions of the incidents were credible and he was not persuaded that he could give credence to one version over the other.

Complaint 201706123

A complaint by a member of the public that a councillor had refused to communicate with him on matters relating to his property and a dispute with the Council.

The Ombudsman resolved not to investigate the complaint for the following reasons:

- It was a matter for a councillor to decide whether to meet or correspond with members of the public. Members' main duty was to represent residents within their constituencies, and they were not obliged to deal with each individual matter reported to them.

3. Analysis of the Complaints

Below is an analysis of the nature of this year's complaints to date:

Member who is subject of the complaint	
Member of community council	3
Member of Gwynedd Council	0
Member of Gwynedd Council and community council	0
Nature of the complainant	
Councillor	1
Member of the public	2
Officer	0
Nature of the allegation	
Overall conduct	1
Declaration of Interest	2
Outcome	
No Investigation	3
Investigation	0
Referral to the Standards Committee	0
Referral to the Adjudication Panel for Wales	0

4. Open Cases

The situation in relation to other cases is as follows:

- **Ombudsman is considering if he should investigate** **0**
- **Ombudsman investigating** **1**

5. Recommendation

The Committee is asked to note the information.

Agenda Item 10

MEEETING	STANDARDS COMMITTEE
DATE	9 July 2018
TITLE	Wales Standards Conference 2018
AUTHOR	Monitoring Officer

Background

The Wales Standards Conference will be held in Aberystwyth on Friday the 14th of September 2018.

Full details are not to hand as yet but I understand that Mr N Bennett the Public Service Ombudsman for Wales will be a key speaker with contributions for the Wales Adjudication Panel and a series of workshops.

The conference is an opportunity to hear from senior officials involved in adjudicating the Code of Conduct. It is also an opportunity to discuss and share experiences with officers and members who are involved in the work.

RECOMMENDATION

To accept the report and identify representatives.

**MINUTES OF A MEETING OF THE NORTH WALES STANDARDS COMMITTEE
FORUM HELD IN MEETING ROOM 1, GUILDHALL, WREXHAM ON
FRIDAY, 24 NOVEMBER 2017**

PRESENT

Wrexham County Borough Council – Michael Pugh, Neil Benson, Claire Blanchard and Councillor I David Bithell, MBE
Ceredigion County Council – Eddie Ffoulkes-Jones
Conwy County Borough Council – Iain Moore
Denbighshire County Council – Ian Trigger
Flintshire County Council – Robert Dewey
Isle of Anglesey County Council – Mike Wilson, Islwyn Jones and Anwen Jones
Powys County Council – Debby Jones
Snowdonia National Park Authority – Sharon Warnes

ALSO PRESENT

Wrexham County Borough Council, Deputy Monitoring Officer – Sioned Wyn Davies
Committee Officer – Jane Johnson

1 APPOINTMENT OF CHAIR FOR THE MEETING

Michael Pugh, Chair of Wrexham County Borough Council's Standards Committee was appointed Chair, in accordance with the decision of the Forum in October, 2016 that the hosting authority chair the meeting.

The Chair welcomed everyone to the meeting.

2 APOLOGIES FOR ABSENCE

Apologies were received from Iwan Jones (Snowdonia National Park), Helen Rhydderch Roberts (Powys) and Steve Cripps (Ceredigion).

3 MINUTES OF THE MEETING HELD ON 10 APRIL 2017

The minutes of the North Wales Standards Committee Forum held in Ruthin on 10 April 2017 were presented.

Corrections –

Amend the spelling of John Roberts and Sharon Warnes.

Apologies – add Robert Dewey

RESOLVED – That, subject to the above corrections, the minutes of the meeting held on 10 April 2017 be accepted as a true record.

4 NEW MEMBER INDUCTION AND TRAINING ON ETHICAL ISSUES

The Deputy Monitoring Officer explained that the item had been included on the Agenda to enable members in attendance to feedback on how training had been delivered within County Councils and also how the training had been rolled out to Community Councils.

During discussion the following points were made:

- Some based training on the material provided by WLGA whilst others produced their own material.
- The length of sessions varied but it was thought that shorter more focused interactive sessions held attendees interest.
- Separate sessions for new Councillors, more in depth, and refresher sessions for returned Councillors.
- Venues – some held in one location others at different locations.
- Community Councils – in some areas it had proved useful to take the training out to the Communities and in one authority the Standards Committee had scheduled visits to Community Councils.
- Difficulties experienced with online training in some areas due to poor broadband coverage.

5 WLGA - 5 YEARS TO MAKE A DIFFERENCE

Michael Wilson, Chair Isle of Anglesey Standards Committee, provided feedback on a recent regional event '5 Years to Make a Difference' held at the Conwy Business Centre for new Councillors.

Presentations on the day were as follows –

Mark Drakeford AM, Cabinet Secretary for Finance and Local Government - The shape of things to come: A message from the Welsh Government for new councillors

Sophie Howe, Future Generations Commissioner - 5 years in office but a lifetime's legacy.

Steve Thomas CBE, WLGA Chief Executive - State of the Nation: 5 Years of Challenge and Change for Councils?

Ian Bottrill, Former council leader, researcher and national trainer - Secrets of success: What works for councillors?

Mel Doel, former BBC Wales journalist, national trainer and National Park Authority chair 2016-17 - Social Media: Friend or Foe?

Michael Wilson said it was very disappointing that there had been very few new councillors in attendance at the event.

The Forum then discussed what each Council considered as essential/core training for Councillors and how Member attendance at training sessions was recorded/monitored.

In relation to Code of Conduct training there was an expectation that all Councillors should attend as the first question asked by the Ombudsman, in undertaking an investigation against a Member in relation to a breach of the Code, would be whether the Member had attended training and when had training been offered.

The need for all Councillors to have attended Social Media was emphasised.

6 PROCEDURES FOR DEALING WITH CLAIMS AGAINST MEMBERS

Michael Wilson, Chair Isle of Anglesey Standards Committee, had requested this item be included on the Agenda to discuss what Councils had in place by way of procedures to deal with Sexual Harassment claims against Members by officers and for information about the level of support provided for victims and perpetrators.

Reference was made to various Member/officer protocols and the Code of Conduct but it was felt that clarification/guidance should be sought from the Public Services Ombudsman for Wales in relation to the following should a complaint of a serious nature be made against a Member e.g of Sexual Harassment of an officer of the Council. This was based on the assumption that it was not a Police matter.

- What powers did the Ombudsman have to act should such a complaint be received?
- It was understood that a suspension could be imposed by the Adjudication Panel for Wales based on an interim report and recommendation from the Ombudsman. What were the anticipated timescales for such action to be taken?
- Could guidance be provided on practical arrangements for Members accused of such Conduct given their elected status in relation to:
 - i) preventing the Member from representing their electorate
 - ii) carrying out their normal Council duties
 - iii) attending Council premises.
 - iv) conflict which may arise with a Council's duty of care to officers.
 - v) whether pastoral care should be offered to the Member as they would for officers under a duty of care?
- guidance in relation to a complaint against an Executive Member rather than an ordinary Member and particularly the remit of the following to act or otherwise in this situation
 - Leader of the Council
 - Monitoring Officer
 - Standards Committee
 - Group Leaders

RESOLVED - That the Monitoring Officer, Isle of Anglesey County Council, be requested to draft a letter to the Public Services Ombudsman for Wales for circulation amongst Monitoring Officers for each authority to submit should

they so wish.

7 ANY OTHER BUSINESS

Ceredigion County Council would be hosting the Standards Conference Wales 2018 in Aberystwyth on a date, yet to be agreed, in September.

There was no further information available regarding the mediation training.

The matter of forming Joint Standards Committee was raised particularly as some authorities were experiencing problems recruiting independent members to Standards Committees and also appointing a lay member to the Appointments Committee. There did not appear to be a big appetite for Joint Committees and it was suggested that ex Chairs/retired independent members of Standards Committees could provide a pool of potential candidates to act as the lay member on an Appointments Committee.

8 DATE OF NEXT MEETING

That the next meeting be held in May/June 2018 – to be hosted by Gwynedd County Council

The meeting concluded at 11.20 a.m.